

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

6 UNITED STATES OF AMERICA,) 3:10-CV-0171-RCJ (VPC)
7 Plaintiffs,)
8 vs.)
9 REAL PROPERTY LOCATED)
10 AT 10570 PLATA MESA DRIVE, et al.,)
11 Defendants.)
)
)
ORDER

12 On March 2, 2011 this court considered plaintiff's motion to compel responses to interrogatories
13 and to determine sufficiency of responses to requests for admission in a civil forfeiture of the defendant
14 real property (#5). Two separate claims were filed: one filed by Susan Romero (#2-1) and the other
15 filed by Gary Romero (#3-1). The Romeros, husband and wife, also filed separate answers to the
16 complaint (#s 2-2 & 3). By its motion, plaintiff moved to compel the Romeros to answer interrogatories
17 and to respond to requests for admission and/or that they be deemed admitted. Plaintiff also sought its
18 attorney's fees for having to bring the motion to compel.

19 The court granted plaintiff's motion, as more fully set forth in the minutes of the March 2, 2011
20 hearing, and it also awarded attorney's fees and costs to plaintiff to be paid by claimants' counsel (#15).
21 Pursuant to this court's order, plaintiff's counsel filed a memorandum of costs and attorney's fees by
22 March 16, 2011, and claimants had leave to interpose any objections fifteen days thereafter. *Id.*
23 Claimants filed no response; therefore, the court examines plaintiff's memorandum of costs and
24 attorney's fees.

I. Discussion

26 Plaintiff is the prevailing party to the extent that the court determined that claimants should have
27 provided plaintiff with outstanding responses to discovery requests. The court concluded that an award

1 of attorney's fees and costs was proper under the circumstances, and must now calculate a reasonable
2 fee award.

3 Calculation of reasonable attorney's fees is a two-step process. First, the court computes the
4 "lodestar" figure, which requires the court to multiply the reasonable hourly rate by the number of hours
5 reasonably expended on the litigation. *Fischer v. SJB-P.D., Inc.*, 214 F.3d 1115, 1119 (9th Cir. 2000)
6 (citation omitted). Each is addressed in turn.

7 **A. Step One**

8 **1. Reasonable Hourly Rate**

9 It is customary for attorneys to bill an hourly rate for legal services provided, and Mr. Addington
10 attests that his hourly rate is \$170.00. The court is quite familiar with the hourly rates charged in Nevada
11 for legal services and finds an hourly rate of \$170.00 to be very reasonable.

12 **2. Hours Reasonably Expended**

13 Mr. Addington's declaration provides the dates on which he provided legal services in
14 connection with the motion to compel and for sanctions, a task summary of work performed for each
15 entry, and the time spent on each task. The court is familiar with the papers Mr. Addington filed in
16 support of his motion, and the time allocated for preparation for the hearing and finds his attorney's fees
17 are reasonable.

18 **B. Step Two**

19 The next step is to decide whether to increase or reduce the lodestar amount based upon the *Kerr*
20 factors not already included in the initial lodestar calculation. *Fischer*, 214 F.3d 1115, 1119. The *Kerr*
21 factors are: 1) the time and labor required, 2) the novelty and the difficulty of the questions involved,
22 3) the skill required to perform the legal service properly, 4) the preclusion of other employment by the
23 attorney due to the acceptance of the case, 5) the customary fee, 6) whether the fee is fixed or contingent,
24 7) time limitations imposed by the client or circumstances, 8) the amount involved and the results
25 obtained, 9) the experience, reputation, and ability of the attorney, 10) the "undesirability" of the case,
26 11) the nature and length of the professional relationship with the client, and 12) awards in similar cases.
27 *Kerr v. Screen Extras Guild, Inc.*, 525 F.2d 67, 70 (9th Cir. 1975). The *Kerr* factors are also incorporated

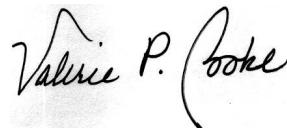
1 in Local Rule 54-16. The court has considered all of the relevant factors and finds that none of the *Kerr*
2 factors warrants a revision to Mr. Addington's fee application, and the plaintiff is awarded \$1,147.50
3 in attorney's fees. Plaintiff provided no information concerning costs incurred; therefore, no amount
4 is awarded for costs.

5 **II. Conclusion**

6 Plaintiff is awarded \$1,147.50 in attorney's fees, payable by claimants' counsel within sixty days
7 of the date of this order.

8 IT IS SO ORDERED.

9 DATED: April 4, 2011.



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11 UNITED STATES MAGISTRATE JUDGE
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UNITED STATES MAGISTRATE JUDGE